IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8887 OF 2007

Anita Jaywant Patil .. Petitioner

Vs.

The State of Maharashtra & Ors. .. Respondents

Mr.Y.S.Jahagirdar, Sr.Advocate for the petitioner

Mr.A.H.Palekar, A.G.P. for respondent nos.1 to 3 & 5

Mr.S.M.Oka for respondent no.4

Ms.Neeta Karnaik for the intervenor

CORAM : J.N.PATEL &
SMT.NISHITA MHATRE, JJ.

DATED : 7TH DECEMBER, 2007

P.C.:

1. Heard.

2. The petition can be disposed of at the stage of admission itself. The petitioner is required to approach this court as her caste certificate has been invalidated by the Caste Certificate Scrutiny Committee, Mumbai Division,

Mumbai on the ground that she is a migrant. The petitioner claims that she belongs to caste Lonia which is recognised as Other Backward Class vide Serial No.110 as per Maharashtra Government Notification dated 13.02.1978.

3. It appears from the impugned order that the Scrutiny Committee returned the caste certificate of the petitioner without verifying the same as per Government Circular dated 21.08.1995, for the reason that the candidate is a migrant and she is not eligible for concession in Maharashtra.

4. Mr.Jahagirdar, the learned Senior Advocate appearing for the petitioner submitted that inadvertently the caste certificate obtained by the petitioner is not in a proper form and the appeal is preferred before respondent nos.5 i.e. the Deputy Commissioner, Konkan Division, Navi Mumbai for correction of the caste certificate itself.

5. In view of the fact that the appeal of the petitioner is pending before the Deputy Commissioner, Konkan Division, Navi Mumbai, we

dispose of this petition with a direction to respondent no.5 that incase the petitioner has preferred an appeal and it is pending before him then the respondent no.5 should dispose of the appeal in accordance with law as expeditiously as possible within a period of 4 weeks from the date of communication of this order. Needless to state that the petitioner can pursue her matter in respect of obtaining validity of the caste certificate. Petition stands disposed of accordingly with no order as to cost.

(J.N. PATEL, J)

(SMT.NISHITA MHATRE, J)